

REMARKS

Claims 1-9 are pending. Claims 1-9 have been rejected. Claims 1, 3 and 6-8 have been amended to clarify the subject matter. Applicants respectfully traverse the rejection of the application and request allowance of the application for the reasons below.

Claim Objections

Claims 1-9 have been objected to for various informalities.

To overcome these objections, claims 1, 7 and 8 have been amended in accordance with the Examiner's suggestion.

Claim Rejections – 35 USC §112

Claims 3 and 6 have been rejected under 35 USC §112 as being indefinite. Applicants believe they have overcome these rejections by amending claims 3 and 6 in accordance with the Examiner's suggestion.

Claim Rejections – 35 USC §102

Claims 1 and 7 have been rejected under 35 USC §102(e) as being anticipated by Keenan (US Patent 6,570,890). According to the Examiner, Keenan discloses the claimed invention:

“In regard to claim 1 and 7, Keenan teaches a method for transmitting DSI and NDSI over a communication link of a communication network, the method comprising the steps of: transmitting fragmented NDSI in accordance with a network protocol where the fragmenting is based on parameters of received DSI

and is performed in accordance with a network layer protocol (Column 8, line 45-50)."

Applicants respectfully traverse the Examiner's reading of Keenan. Keenan discloses a **fragmentation** method of transmitting delay sensitive information (DSI) and non-delay sensitive information (NSDI) over a single cable forming part of a star-connected Ethernet local area network. Master Ethernet packets of fixed length are formatted with fixed length portions assigned to the two types of information and transmitted at a **constant fixed rate**. The delay sensitive information is extracted, switched and transmitted at a **constant bit rate**. The non-delay sensitive information is segmented and transmitted asynchronously in a user data portion of the Master Ethernet Packet. (See abstract) In other words, DSI and the NDSI are both sent transmitted at a **fixed or constant rate**.

In sharp contrast, Applicant's invention, as recited in the claimed invention, discloses a technique for transmitting DSI and NSDI over a communication link of a communication network. The method includes transmitting **fragmented** NDSI in accordance with a network protocol where the fragmenting is based on parameters of received DSI and is performed in accordance with a network layer protocol. Fragmentation is the "repackaging of the packets such that the length of each packet is changed." (see page 4, lines 19-20 of the present application). That is, the claimed invention uses fragmentation to transmit NSDI packet having length that is **non-constant** or **changed**, whereas in Keenan the length of each NDSI is **fixed or constant**. Moreover, in the claimed invention, fragmentation of NDSI is based on DSI, whereas Keenan not only makes no mention of fragmentation but also makes no mention of processing NDSI

based on DSI. Consequently, Keenan fails to teach or suggest claims 1 and 7, and thus does not anticipate the claimed invention for at least the above reasons.

Claim Rejections – 35 USC §103

Claims 2-6 and 8-9 have been rejected under 35 USC §103 as being obvious in light of Keenan and Gerszberg (US Patent 6,424,646).

The Examiner contends that Gerszberg, alone or in combination with Keenan, teaches or suggest claims 2-6 and 8-9. As outlined above, Keenan does not anticipate claims 1 and 7. Thus, for at least the same reasons as claim 1, Gerszberg, alone or in combination with Keenan, fails to teach or suggest dependent claims 2-6 and 8-9 of the present invention.

Request for Reconsideration pursuant to 37 CFR 1.111

Having responded to each and every ground for objection and rejection in the Office Action mailed on August 9, 2004, Applicant requests reconsideration in the instant application pursuant to 37 CFR 1.111 and requests that the Examiner allow claims 1-9 and pass the application to issue. If there is any point requiring further attention prior to allowance, the Examiner is asked to contact Applicants' counsel who can be reached at the telephone number listed below.

Respectfully,

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